

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

WILLIAM T. MONTGOMERY,	)	Case No.: 3:00 CV 7298
	)	
Petitioner	)	
	)	JUDGE SOLOMON OLIVER, JR.
v.	)	
	)	
MARGARET BAGLEY, WARDEN,	)	
	)	
Respondent	)	<u>JUDGMENT ENTRY</u>

Consistent with the court's Memorandum of Opinion and Order of this same date, the court hereby enters judgment, granting Montgomery's petition and issues a writ of habeas corpus as follows. The Respondent shall either: (1) set aside Montgomery's conviction for aggravated murder and the death sentence attendant thereto; or (2) conduct another trial. The Respondent shall retry Montgomery, or set aside his conviction and sentence for aggravated murder within 180 days from the effective date of this Opinion. On this court's own motion, execution of this Opinion, and hence, its effective date, is stayed pending appeal by the parties.

The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could be taken in good faith as to grounds 1, 15(b), and 43. The court issues a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Fed.R.App. 22(b) as to those grounds only. As to all remaining grounds, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from

this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c) and Fed.R.App.P. 22(b)

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR. \_\_\_\_\_  
SOLOMON OLIVER JR.  
UNITED STATES DISTRICT JUDGE

March 31, 2007